

### **Remarks**

Reconsideration of the application is respectfully requested.

Claims 1-40 were rejected. Claims 1-4, 8-10, 13, 14, 21, 29, 32 and 33 have been amended. Claims 41-60 were previously canceled. All amendments are fully supported by the disclosure and no new matter is added.

### **Claim Rejections under 35 U.S.C. § 102**

Claims 1-40 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,771,981 issued to Zalewski et al. (hereinafter ‘Zalewski’). More specifically, the interrogation of a cover 100 by a door lock of a hotel room (col. 16, lines 36-45) was cited as teaching “facilitating a user in providing an instruction to a mobile communication device to output a first data in a form of a first radio frequency signal to emulate output of the first data by an active RFID transponder.” The cover responding with code received from a central reservation site, unlocking the door (col. 16, lines 45-47) was cited as teaching “in response, outputting the first data in the form of a radio frequency signal, emulating output of the first data by an active RFID transponder as instructed by the user.”

To anticipate a claim, the reference must teach every element of the claim. The elements must be arranged as required by the claim, but . . . identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990); see also MPEP 2131. While Applicants respectfully disagree with each of the rejections listed in the Office Action, Applicants have amended the pending independent claims to clarify that which is claimed.

As amended, claim 1 recites a method for providing a radio frequency identification (RFID) comprising:

facilitating a user in providing an instruction to a component of a mobile communication device to output a first data, said output emulating an output of the first data by an active RFID transponder, the component being also equipped to facilitate a user in communicating with a user of another communication device, with the communication being facilitated at least in part over a wireless network; and

in response to said providing an instruction, outputting the first data in the form of a radio frequency signal, said outputting emulating output of the first data by an active RFID transponder.

Support for these amendments may be found at least on page 6, lines 15-25 and Figure 1.

Thus, claim 1 recites a method in which a mobile device component equipped to facilitate wireless communication with another user is instructed to output data that **emulates** (i.e. imitates or equals) output of the data by an active RFID transponder, and in response to the instruction, outputs the data as a radiofrequency signal, emulating output by an active RFID transponder. Claim 1 does not recite using a transponder – instead, claim 1 recites instructing a component of a mobile phone to *emulate* output by a transponder, and this component is also configured for use in communicating with another user.

In contrast, Zalewski teaches a mobile station 104 comprising both a mobile phone and a disposable/interchangeable cover 100 (col. 9, lines 1-5). The cover 100 includes an attached/embedded **RFID transponder** 110 (col. 8, lines 1-3, 13-15). An interrogator/reader sends an interrogation signal and the transponder replies by transmitting data codes encoded in the transponder (col. 8, lines 16-21). Electrical signal coupling occurs between phone and cover via contacts 180 (col. 8, line 8).

In the passages cited in the Office Action, a mobile station 104 sends a reservation request to a central reservation site, which replies by sending a code. The user places the mobile station 104 against the door lock, which includes an interrogator. The interrogator sends an interrogation signal to the cover 100, which responds with the code to unlock the door. See col. 16, lines 36-47. Presumably, the interrogation signal is sent to the transponder, to which the mobile device has provided the signal code to send back to the interrogator. This disclosure does not teach every element of claim 1 for the following reasons.

First, the cited passages of Zalewski cannot teach “facilitating a user in providing an instruction to a component of a mobile communication device to output a first data, said output emulating an output of the first data by an active RFID transponder, the component being also equipped to facilitate a user in communicating with a user of another communication device, with the communication being facilitated at least in part

over a wireless network.” In the cited passages, the user does not provide an instruction to a component of a mobile communications device to output data; the user merely places the device in proximity to the lock. The output of a signal by the transponder is triggered by the interrogator; if any “instruction” is given to a “component,” it is an instruction given to the transponder by the interrogator. And because there is no instruction given by the user, there can be no “facilitating” a user in providing such an instruction.

Nor does Zalewski teach a component configured to both “facilitate a user in communicating with another user...” and output a first data, as recited by claim 1. The transponder within the cover 100 of Zalewski outputs data, but it does not facilitate a user in communicating with a user of another mobile device. And while Zalewski teaches using a RFID transponder to output data, claim 1 recites an instruction to a component to output data “**emulating** an output of the first data by an active RFID transponder.” Zalewski’s RFID transponder is not a component that **emulates** an output by an active RFID transponder, being itself an RFID transponder. Thus, the cover/transponder of Zalewski neither emulates an output by an active RFID transponder nor facilitates a user in communicating with a user of another communication device over a wireless network.

Second, Zalewski cannot teach “in response to said providing an instruction, outputting the first data in the form of a radio frequency signal, said outputting emulating output of the first data by an active RFID transponder” for the same reasons explained above (i.e. no teaching of providing an instruction, transponder responds to interrogator rather than user instruction, transponder does not “emulate” output by an active RFID transponder).

For at least the above reasons, Applicants respectfully submit that claim 1 is patentable over Zalewski. Should this rejection be maintained as to these claims, Applicants respectfully request that the Examiner provide a clear explanation of Zalewski’s teaching of this feature for the prosecution history record as required by MPEP 707.07(f).

Claims 2-12 depend directly or indirectly from claim 1, incorporating its recitations, and are thus patentable over Zalewski for at least the same reasons.

Claim 2 as amended is further patentable over Zalewski because it also recites that the component is a transceiver, which is not disclosed by Zalewski. Support for this

recitation is found at least on page 9, lines 1-5 and 20-25; page 11, lines 19-30; page 12, 1-20; and Figure 4. Claims 3-5 depend from claim 2, incorporating its recitations. Thus, claims 2-5 are also patentable over Zalewski for this additional reason.

Independent claims 13, 21 and 33 were rejected for the same reasons as claim 1. These claims incorporate substantially the same subject matter as claim 1 and are thus patentable over Zalewski for at least the same reasons.

Claims 14-20 depend from claim 13, incorporating its recitations. Claims 22-32 depend from claim 21, incorporating its recitations. Claims 34-40 depend from claim 33, incorporating its recitations. Therefore, claims 14-20, 22-32 and 34-40 are also allowable over Zalewski for at least the same reasons.

In addition, claims 9-11, 14-20, 29-31 and 33-40 are patentable over Zalewski because they recite or incorporate the recitation “monitoring for proximal presence of a RFID reader by a mobile communication device” or a substantially similar feature. Support for this recitation is found at least on page 8, lines 24-30, and in Figures 1 and 2. Applicants find no such disclosure in the specification or figures of Zalewski. Should this rejection be maintained as to these claims, Applicants respectfully request that the Examiner provide a clear explanation of Zalewski’s teaching of this feature for the prosecution history record as required by MPEP 707.07(f).

For all of the above reasons, Applicants submit that all pending claims are patentable over Zalewski. Notice of allowance is respectfully requested.

## CONCLUSION

All pending claims are in a condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (503) 222-9981. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson & Wyatt, P.C., No. 50-0393.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: May 28, 2009 by: /Al AuYeung/  
Al AuYeung  
Reg. No.: 35,432

Schwabe, Williamson & Wyatt, P.C.  
Pacwest Center, Suites 1600-1900  
1211 SW Fifth Avenue  
Portland, Oregon 97222  
Telephone: 503-222-9981